DOCUMENT RESUME

ED 099 942 CS 500 937

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TITLE Dialectical Enjoinment During the Scopes Trial.
PUB DATE Dec 74
NOTE 19p.; Paper presented at the Annual Meeting of the Speech Communication Association (60th, Chicago, Illinois, December 27-30, 1974)

EDRS PRICE MF-$0.75 HC-$1.50 PLUS POSTAGE
DESCRIPTORS *Court Cases; Court Litigation; *Educational Change; Educational Philosophy; *Religious Conflict; *Rhetoric; *Rhetorical Criticism
IDENTIFIERS Bryan (William Jennings); Darrow (Clarence); Dialectical Enjoinment; *Scopes Trial

ABSTRACT

This paper examines the Scopes trial's contribution to American intellectual history by studying the historical context of the controversy from a rhetorical perspective. The trial became a rhetorical vehicle which focused on the modernist-fundamentalist religious controversy and polarized these movements. By analyzing the rhetorical terms--purpose, profiles, symbols, values, consequences, content, and strategy--four fundamental conclusions are drawn. Dialectical enjoinment was restricted because: (1) the disputants remained mired in unresolved epistemological questions; (2) little attempt was made to create common ground between the two alternative philosophies which seemed equally appealing; (3) Darrow refused to clash directly with legal arguments but transcended them to consider the constitutionality of the Tennessee statute; and (4) the artificial atmosphere created by the commercial interests of the religious controversy probably attracted attention to the Scopes trial but possibly undermined rational judgment. (TS)

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DIALECTICAL ENJOINMENT DURING THE SCOPES TRIAL

by
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DIALECTICAL ENJOINMENT DURING THE SCOPES TRIAL

Professor Robert S. Cathcart's concept of "dialectical enjoinment" provides a pertinent and revealing focus for analyzing the argumentation which highlighted the 1925 Tennessee trial of John Thomas Scopes. Cathcart explained that the instigation of a rhetorical movement requires the protest from spokesmen who advocate an immediate corrective for an existant condition and a reciprocal response from counter persuaders who perceive the agitation as direct attack against established society. "It is this reciprocity or dialectical enjoinment in the moral arena," Cathcart concluded, "which defines movements and distinguishes them from other dramatistic forms."[1] The essential attribute for inaugurating a rhetorical movement is the creation of a dialectical tension growing out of moral conflict.

The purpose prompting this paper is to examine the Scopes Trial's contribution to American intellectual history by studying the controversy's historical context from a rhetorical perspective. The Scopes Trial provides an appropriate context for applying Cathcart's concept because that courtroom confrontation focused the modernist and fundamentalist rhetorical movements in American theological controversy.

The trial which pitted William Jennings Bryan against Clarence Darrow culminated after the Tennessee legislature enacted the Butler bill, forbidding the teaching of evolution as factual within the public schools. On May 5, 1925, George W. Rappelyea of Dayton conferred with county school-board head Robinson,

county superintendent White, and biology teacher Scopes; these citizens challenged this legislation by swearing a warrant for Scopes' arrest. When the American Civil Liberties Union confirmed an intention to defend Scopes, Darrow was appointed as Scopes' lawyer and Bryan became a counsel for the prosecution. Scopes was indicted by a special grand jury on May 25; the trial commenced with an indictment and jury selection of July 10; and Scopes was found guilty on July 21. The hundred-dollar minimum fine imposed by Judge Raulston was volunteered by the Baltimore Sun, setting the stage for an extended disputation:

> In September, the Supreme Court of Tennessee, sitting at Knoxville, will contemplate arguments for and against the two propositions of Appellant Scopes: 1) That the anti-Evolution law, prohibiting the teaching of any theory of creation which denies the account found in Genesis, is unconstitutional under Tennessee's Bill of Rights, being sectarian; 2) that if the law were valid, teaching the theory of Evolution would not - in the Scopes case, did not - constitute a misdemeanor since the two accounts - Biblical and scientific - can be shown to be compatible.[2]

Following the trial, Bryan collapsed and died. The hearing before the Tennessee Supreme Court produced an opinion: the judges sustained the constitutionality of the contested legislation but reversed the judgment against Scopes. Following several unsuccessful attempts, the Tennessee legislature finally repealed the controversial Butler bill on April 12, 1967.

Critical examination of the Scopes trial indicates that the discrepancies between nine specific rhetorical elements restricted or retarded direct dialectical enjoinment.

Within this (1A) historical context, the Tennessee trial, two conflicting religious philosophies dramatized a yawning epistemological discrepancy between "sacred truth" and "secular knowledge". Two competing contingencies disputed the

source of ultimate authority in theological speculation. Conservative churchmen who cherished an "eternal unchanging revelation" seemed threatened when scholars examined the sacred scriptures and compared the world religions. Darwin's hypothesis about evolution seemingly contradicted the Genesis narrative, causing an epistemological uncertainty which Wrage and Baskerville described:

> The centuries-old conflict between science and religion had been sharpened in the nineteenth century by the publication of two books by Charles Darwin, The Origin of Species (1859) and The Descent of Man (1871). During the final quarter of the century one of the favorite topics of discussion in the journals, on lecture platforms, in Chautauqua tents, and in the pulpit was the question of the relationship between religion and science - could a reconciliation between the two be effected, or were they, as some affirmed, irreconcilably opposed in a battle to the death.[3]

Some "fundamentalists" renounced Biblical criticism and spurned comparative religion, while others cooperated with "modernists" in attempting a reconciliation between the contemporary scientific theories and "the faith once delivered to the saints". Ancient superstitions and imaginative myths surrounding primitive Christianity, passive submission toward medieval theological affirmations, and thoughtless reliance upon ghostly phantoms vanished; there emerged a self-confident realism, a scientific naturalism, and expectations of continued progress.[4] With a new consciousness, thinkers examined the essence of revelation and rationality. Increased voluntary control was acquired over conditions and circumstances which influenced human existence, although some concluded that happenings formerly attributed to superhuman powers were either beyond man's control or guidance from a divinity.[5] Primitive superstitions and prehistoric mythologies dissipated when growing knowledge illumined greater understanding of the physical environment, human historical development, and man's psychological constitution.

While the historical context surrounding the Scopes Trial was characterized by increased intellectual conflict, the (1B) immediate context became a burlesque when "the strawberry capitol of America" was invaded with a bizarre brigade of exhorting evangelists, hot dog vendors, curiousity seekers, congested crowds, and newspaper reporters.[6] This colorful conglomerate of unconventional characters was categorized by Time as "the usual camp-following of freaks, fakes, montebanks, and parasites of publicity,"[7] although Darrow asserted his own description:

> "Hot dog" booths and fruit peddlers and ice cream vendors and sandwich sellers had sprung into existence like mushrooms on every corner and everywhere between, mingling with the rest, ready to feed the throng....Pop-corn merchants and sleight-of-hands artists vied with evangelists for the favor and custom of swarms that surged back and forth along the few squares that were the centre of the community...[8]

Ginger described this artificial atmosphere engendered as an immediate context as "90 per cent carnival, 10 per cent chastisement."[9] Rhetorical critics can question whether this commercial extravaganza distracted thoughtful attention from the issues inherent within the Scopes trial or generated a psychological environment favorable to Bryan and the prosecution.

This rhetorical situation evoked a (2) vehicle, a courtroom confrontation, which focused the modernist-fundamentalist religious controversy and perhaps polarized these rhetorical movements. The potential which the Scopes trial as a rhetorical vehicle provided, was demonstrated when Byran took the witness stand; Western Union reported that it carried more than 200,000 words while various press services carried an additional 50,000.[10] The Scopes Trial, which was the first American trial to be nationally broadcast, attracted over a hundred correspondents and was reported and editorialized by newspapers, periodicals, and wire services at a rate estimated as high as 165,000 words a day.[11]

Stepping into this carnival with a specific (3) rhetorical purpose, to champion Christianity against Lincoln-like agnostic Darrow, William Jennings Bryan exerted his (4) rhetorical profile as a self-appointed defender of the honest country yeoman against enveloping skepticism and unresisted doubt. Bryan came to Dayton with a specific rhetorical purpose which he stated in a prepared but undelivered address:

> It is for the jury to determine whether this attack upon the Christian religion shall be permitted in the public schools of Tennessee by teachers employed by the State and paid out of the public treasury....
>
> If, on the other hand, the law is upheld and the religion of the school children protected, millions of Christians will call you blessed...[12]

Darrow presented a distinctly different (3) rhetorical purpose and (4) rhetorical profile, especially when he transcended the legal technicalities and demanded intellectual freedom of thought and expression. Publicized as a forensic confrontation between advocates defending the Christian religion and antagonists seeking scientific support for evolution, the Scopes trial assumed philosophical dimensions. "The Battle of Tennessee," wrote Nation editors, "may play as significant a part in American history as the battle of Gettysburg. For what is at stake in the little town of Dayton is as important as any question of political structure, or even of physical freedom; it is the question of bondage of the human mind."[13] The epistemological question which undergirded the controversy was reflected in the comment that "the trial brings to a head the attempt of a great commonwealth to determine science by popular vote, to establish truth by fiat instead of study, research, and experiment."[14] Scopes stated in his memoirs:

> The trial was a test and a defense of the fundamental freedom of religion as guaranteed by the Constitution. At stake was the principle of separation of church and state. If the state is allowed to dictate that a teacher must teach a subject in accordance with the beliefs of one particular religion, then the state can also force schools to teach the beliefs of the person in power, which can lead to suppression of all personal and religious liberties.15

Interpreted as a battle between "Fundamentalism versus Modernism, theological truth versus scientific truth, literal versus liberal interpretation of the Bible, Genesis versus Darwin,"[16] the Scopes trial invoked dramatic (5) rhetorical symbols. An endangered intellectual freedom was symbolized by Socrates, as Time reported:

> Scientists and teachers shook their heads....some of them privately compared the Scopes trial, not with the trial in Pilate's court, but with a trial in the courts of Athens, where a teacher, accused (like Mr. Scopes) of corrupting the youth by teaching things contrary to law and disrespectful to the gods, had (like Mr. Scopes) refused to deny his action, but defended it only by saying that he had taught the truth, which was, in his eyes, the highest form of reverence; and was (like Mr. Scopes) convicted. The parallel, they said, fell down in only one important point; Mr. Scopes was given a fine of $100; Socrates was given a cup of hemlock.17

Cynically Darrow quipped: "It was evident that Scopes was trying to do for Dayton, Tenn., what Socrates did for Athens. And so why should not Dayton, Tenn., do to Scopes what Athens did to Socrates?"[18] An abstract philosophy (intellectual freedom) was given concrete expression through a symbolic historical figure.

Although the Scopes trial was interpreted as a forensic battle between fundamentalist Bryan and agnostic Darrow, these two speakers became additional incarnate (5) rhetorical symbols representing conflicting philosophies within a single life-space. Bryan and Darrow culminated professional careers by affirming alternate "universes of meanings" or (6) rhetorical values. These Heston-like actors enacted a melodrama, each supreme in his self-assigned monologue; they role-played their forensic ritual in which theological speculation and appeals to intellectual freedom superseded legal principles and technicalities. Each

spokesman exhibited a definite rhetorical profile, familiar to the American public and organically authentic within this specific setting. The Great Commoner towered "upright against the onslaughts of those whom he believed to be undermining the faith of the nation,"[19] and evidenced that "the greatest tragedy of his life was not that so many goals eluded him but that he was misplaced in time."[20] Although Bryan championed the "common man" continuously,[21] he seemed paradoxical and inconsistent when his critics attempted to categorize him as "liberal" or "conservative". As biographer Levine recognized:

> The enduring threads which ran throughout Bryan's career have been obscured by the misguided effort to characterize him at various stages of his career as either a progressive or a reactionary, without understanding that a liberal in one area may be a conservative in another not only at the same time but also for the same reasons.[22]

In sharp contrast with Bryan, Darrow appeared "an iconoclast, an agnostic, and in many respects a cynic, whose active, searching mind, unlike Bryan's, conceived of truth not as merely a possession to be defended but as a prize to be discovered."[23] "Despite the fact that he was constantly attacking the intellectual base of organized religion," Stone stated, "his friends declared him to be the most religious man they had ever known, one of the few true Christians alive in America."[24] Respected as America's foremost criminal lawyer and defense attorney, Darrow

> was a many-faceted man...an ethical man who, when he knew he was right, went out to win. He had a deep feeling for the individual, whoever he was, and this feeling gave meaning to his life. When the mob or the crowd opposed the individual, Darrow could be counted on the side of the person.[25]

Within an obscure Tennessee town, Bryan and Darrow debated unresolved philosophical questions which yielded no conclusive (7) rhetorical consequences, but which demonstrated, perhaps unknowingly, that humans establish and sustain religious commitments without certainty. Sometimes Bryan and Darrow transcended

the conflicting arguments, transcended even themselves, and participated in a human grandeur which eluded their theoretical comprehension although each man participated intensely. They witnessed how tragedy and defeat, behind various masks, contain a paradoxical but uncompromising nobility when a person champions his convictions with courage and candor. This verbal exchange marked a "changing of the guard" in American theological thought, a last-ditch scrimmage for a diminished religious conservatism, and the grand "last hurrah" for two titans who completed careers which loomed larger than life.

Through a reciprocal dialectical enjoinment, Bryan and Darrow grew eloquent when the trial concluded. Though human greatness shone as a pin-point and not a beacon-light in a Dayton courtroom, these speakers considered the elusive element of "greatness" which some persons seek, although all who seek are not worthy candidates. Neither human history nor the Scopes trial reveals conclusively why "greatness" is attributed to anyone, why some are remembered and others are forgotten. Bryan said that the trial "illustrates how people can be drawn into prominence by attaching themselves to a great cause."[26] Darrow suggested that the case might be remembered "because it is the first case of this sort since we stopped trying people in America for witchcraft, because here we have done our best to turn back the tide that has sought to force itself upon this modern world, of testing every fact in science by a religious dictum."[27] Rappelyea remarked that "big movements make big men, but this is the case of the reverse, where big men have made big movements."[28] And Judge Raulston recognized:

> My fellow citizens, I recently read somewhere what I think was a definition of a great man, and that was this: That he possesses a passion to know the truth, but he must also have the courage to declare it in the face of all opposition.29

When the tumult and the tempest subsided, when the courtroom was vacated and the crowd dispersed, students pondering the intellectual history of American life questioned what significant thoughts evolved there. From the value-systems which undergirded each advocates philosophical perspective grew the themes and theses which provided (8) rhetorical content for the forensic argumentation. The ensuing dialectical enjoinment had dramatized the differences between two different philosophical positions without resolving the theological or scientific controversy, but revealing that a courtroom is the appropriate context for debating legal issues. Something noble was reflected when Bryan willingly took the witness stand, defending the religion which provided meaning and purpose of his life. His argumentation was legal. Darrow transcended legal argumentation with a spirited defense of intellectual freedom. He recognized that: "There are no two human machines alike and no two human beings have the same experiences, and their ideas of life and philosophy grow out of their construction of the experiences that we meet on our journey through life."[30] He defended intellectual freedom, contending:

> If today you can take a thing like evolution and make it a crime to teach it in the public school, tomorrow you can make it a crime to teach it in the private schools, and the next year you can make it a crime to teach it to the hustlings or in the church....After a while, your Honor, it is the setting of man against man and creed against creed, until with flying banners and beating drums we are marching backward to the glorious ages of the sixteenth century, when bigots lighted fagots to burn the men who dared to bring any intelligence and enlightenment and culture to the human mind.31

Within this dialectical enjoinment, Darrow's argumentation constituted an appeal for individual self-determination in religious speculation, although he transcended the legal issues.

During the Scopes trial, Bryan and Darrow attempted definite and different (9) rhetorical strategies. The prosecution contended that the legal statute was

violated, that evolution was a scientific hypothesis and not a theoretical certainty, and that teaching this unconfirmed speculation corrupts the youth. The defense strategy emphasized that the law was an unconstitutional violation of freedom of religion. Dialectical enjoinment did not center about the fact: Did Scopes break the law? The constitutionality of the law was a central contention.

The immediate and long-range consequences includes the process in which an immediate specific legal decision became reversed by the higher court and then the legislature. Scopes was found guilty in Dayton; but the Supreme Court reversed the judgment and upheld the law; and the legislature repealed the bill which it had enacted. Extended historical perspective suggests that the Scopes trial was unnecessary, illegal, and contrived. The Scopes trial was unnecessary because the legislature intended the Butler bill merely as a gesture,[32] illegal because it violated a statute which declared that a grand jury could not be called so close to the convening of a regular grand jury,[33] and contrived because officers from the American Civil Liberties Union intervened.[34]

This examination analyzing (1) the historical and immediate context, (2) the vehicle, (3) the rhetorical purposes, (4) the rhetorical profiles, (5) the symbols and signs, (6) the value-systems, (8) the immediate and long-range consequences, and (9) the rhetorical strategies, suggests four fundamental conclusions. "Dialectical enjoinment" was restricted because (1) the disputants remained mired in unresolved epistemological questions; (2) there was little attempt to create common ground between two alternative philosophies which seemed equally appealing; (3) Darrow refused to clash directly with legal arguments but transcended them to consider the constitutionality of the Tennessee statute; and

(4) the artificial atmosphere created by commercial interests of Dayton businessmen and the wider fundamentalist-modernist religious controversy probably attracted attention to the Scopes trial but possibly undermined rational judgment.

Dialectical enjoinment, as an agency for clarifying communication and extending rational analysis, seems effective when there are common rhetorical objectives, similar epistemological assumptions, willingness to clash directly on a single level of discourse, a respect for the proper employment of a specific context for a legitimate consideration of an appropriate question, and a reciprocal openness to unfolding "truth". During the Scopes trial, a discrepancy developed when a theological perspective and a scientific orientation were transposed upon a judicial context in which legal - not theological or scientific - questions were legitimate. Questions which are germane within one "sphere of discourse" - such as theological questions within theological speculation - create communication breakdown when they are imposed upon a different "sphere of discourse" - such as a forensic context in which the proper questions are legal. While dialectical enjoinment focused the contrasted argumentation generated through the modernist-fundamentalist theological controversy, dynamic tensions between alternative perspectives engendered an unresolved rhetorical crisis. The jury could decide the guilt or innocence of John Thomas Scopes, not the "truth" of evolution or Genesis; and even their judgment of Scopes could be overturned by a higher court. William Jennings Bryan was quite correct when he argued:

> The question involved was a purely legal one, namely, had Scopes violated the law, and the efforts of the opposition to make the case hinge on the truth or lack of truth in the theory of evolution were out of place.[35]

Darrow admittedly never intended to present legal arguments during the Dayton trial:[36]

My object and my only object, was to focus the attention of the country on the programme of Mr. Bryan and the other fundamentalists in America. I knew that education was in danger from the source that has always hampered it - religious fanaticism.37

FOOTNOTES

[1] Robert S. Cathcart, "New Approaches to the Study of Movements: Defining Movements Rhetorically", Western Speech, 36 (1972), 87.

[2] Time, 20 July 1925, p. 17.

[3] Ernest J. Wrage and Barnet Baskerville, "Modernism vs. Fundamentalism In Religion", Contemporary Forum: American Speeches on Twentieth-Century Issues (New York: Harper and Brothers, 1962), p. 93.

[4] John Vernon Jensen, "The Rhetoric of Thomas H. Huxley and Robert G. Ingersoll In Relation To The Conflict Between Science and Theology" (unpublished dissertation, the University of Minnesota, 1959), pp. 63-64.

[5] Allan H. Sager, "The Fundamentalist-Modernist Controversy, 1918-1930, In The History of American Public Address" (unpublished dissertation, Northwestern University, 1963). See Sager's "The Fundamentalist-Modernist Controversy 1918-1930", Preaching in American History ed. DeWitte Holland (Nashville and New York: Abingdon Press, 1969), pp. 264-275. Repeative is his "Modernists and Fundamentalists Debate Restraints On Freedom, 1910-1930," America in Controversy ed. DeWitte Holland (Dubuque: William C. Brown, 1973), pp. 299-304.

[6] M. R. Werner, Bryan (New York: Harcourt, Brace and Company, 1929), pp. 314-320.

[7] Time, 20 July 1925, p. 17.

[8] Clarence Darrow, The Story of My Life (New York and London: Charles Scribner's Sons, 1932), pp. 258-261.

[9] Ray Ginger, Six Days or Forever? Tennessee V. John Thomas Scopes (Boston: Beacon Press, 1958), p. 93.

[10] Genevieve and John Herrick, The Life of William Jennings Bryan (n.p.: Grover C. Brown, 1925), p. 350.

[11] Sheldon Norman Grebstein, Monkey Trial: The State of Tennessee VS. John T. Scopes (Boston: Houghton Mifflin Company, 1960), p. ix.

[12] William Jennings Bryan and Mary Baird Bryan, "Mr. Bryan's Last Speech", The Memoirs of William Jennings Bryan (Philadelphia: United Publishers of America, 1925), pp. 555-556.

[13] Nation, 27 May 1925, p. 589.

[14] Nation, 8 July 1925, p. 58.

[15] John T. Scopes and James Presley, Center of the Storm: Memoirs of John T. Scopes (New York: Holt, Rinehart and Winston, 1967), p. 271.

[16] Grebstein, Monkey Trial, p. x.

[17] Time, 10 August 1925, pp. 18-19.

[18] Darrow, Story, p. 261.

[19] Herrick, Bryan, p. 31.

[20] Scopes, Center, p. 209.

[21] J. C. Long, Bryan: The Great Commoner (New York and London: D. Appleton and Company, 1928), p. 403.

[22] Lawrence W. Levine, Defender of the Faith, William Jennings Bryan (New York: Oxford University Press, 1965), p. 363.

[23] Levine, Defender, p. 348.

[24] Irving Stone, Clarence Darrow: For The Defense (Garden City: Doubleday, 1941), p. 423.

[25] Scopes, Center, p. 219.

[26] Bryan, Monkey Trial, p. 178.

[27] Darrow, Monkey Trial, p. 179.

[28] Rappalyea, Monkey Trial, p. 179.

[29] Raulston, Monkey Trail, p. 179.

[30] Darrow, Monkey Trial, p. 77.

[31] Darrow, Monkey Trial, pp. 81-82.

[32] Grebstein, Monkey Trial, p. ix.

[33] Darrow, Story, p. 254.

[34] Levine, Defender, p. 328.

[35] Bryan, Memoirs, pp. 483-484.

[36] Darrow, Story, p. 259.

[37] Darrow, Story, p. 249.

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